IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF MISSOURI WESTERN DIVISION

MARY L. HARE,)
Plaintiff,)
V.) No. 05-0397-CV-W-FJG-SSA
JO ANNE B. BARNHART, Commissioner, Social Security Administration)))
Defendant.)

ORDER

Currently pending before this Court is defendant's Motion to Remand (Doc. #9).

Agency counsel states that after review of the above referenced case, agency counsel requested the Appeals Council to reconsider the Commissioner's decision.

Upon review, the Appeals Council determined that remand was appropriate. Agency counsel states that upon remand the ALJ will be directed to re-evaluate Dr. McFadden's April 19, 2004 opinion as it relates to plaintiff's condition prior to April 19, 2004. The ALJ will be directed to further evaluate and clarify his finding that prior to April 19, 2004, plaintiff did not have any exertional or nonexertional limitations due to a medically determinable impairment.

Therefore, this Court hereby **ORDERS** that the Administrative Law Judge's decision is **REVERSED** and this case is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g).

Date: <u>December 13, 2005</u> Kansas City, Missouri S/ FERNANDO J. GAITAN, JR.

Fernando J. Gaitan, Jr. United States District Judge